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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 INTEL CORPORATION, APPLE INC.,
19 Plaintiffs,

20 v.

21 FORTRESS INVESTMENT GROUP LLC,
22 FORTRESS CREDIT CO. LLC, UNILOC
23 2017 LLC, UNILOC USA, INC., UNILOC
24 LUXEMBOURG S.A.R.L., VLSI
25 TECHNOLOGY LLC, INVT SPE LLC,
26 INVENTERGY GLOBAL, INC., DSS
27 TECHNOLOGY MANAGEMENT, INC.,
28 IXI IP, LLC, and SEVEN NETWORKS,
LLC,

Defendants.

No. 3:19-cv-07651-EMC

**UNOPPOSED REQUEST OF THE
UNITED STATES TO PARTICIPATE
AT THE JUNE 18 HEARING**

1 On April 2, 2020, this Court set a hearing for June 18, 2020, to hear oral argument on
2 Defendants' Motion to Dismiss in the above-captioned matter. The United States filed a
3 Statement of Interest in this matter on March 20, 2020 pursuant to 28 U.S.C. § 517. The United
4 States now respectfully requests permission to participate at the June 18 hearing pursuant to 28
5 U.S.C. § 517, which permits the Attorney General to send "any officer of the Department of
6 Justice" to "any State or district in the United States to attend to the interests of the United States
7 in a suit pending in a court of the United States," and Local Rule 7-11.

9 The United States seeks to participate at the June 18 hearing because it enforces the
10 federal antitrust laws, including Section 1 of the Sherman Act and Section 7 of the Clayton Act,
11 and has a strong interest in their correct application. The United States has a particular interest in
12 this case because it involves the intersection of antitrust law and intellectual property rights, a
13 topic which the United States has long studied and with which it has considerable enforcement
14 experience.¹ The United States seeks to ensure that the antitrust laws are correctly applied to
15 business activity involving intellectual property in order to promote innovation and enhance
16 consumer welfare. As the Statement explained, the Plaintiffs have failed to state a claim under
17 either Section 1 of the Sherman Action or Section 7 of the Clayton Act due to deficiencies in
18 their definition of the relevant market as well as the lack of allegations sufficiently identifying a
19 reduction of competition.

22 The United States believes that its participation at the June 18 hearing would be of
23 substantial assistance to the Court and leaves it to the discretion of the Court to decide the form
24

25 ¹ See U.S. Dep't Of Justice & Fed. Trade Comm'n, Antitrust Guidelines for the Licensing of
26 Intellectual Property (2017),
27 https://www.ftc.gov/system/files/documents/public_statements/1049793/ip_guidelines_2017.pdf;
28 U.S. Dep't of Justice & Fed. Trade Comm'n, Antitrust Enforcement and Intellectual Property
Rights: Promoting Innovation and Competition (2007),
<https://www.justice.gov/sites/default/files/atr/legacy/2007/07/11/222655.pdf>.

1 and extent of the United States' participation at the hearing. Counsel for the Plaintiffs have
2 informed the United States that they do not oppose the request. Counsel for the Defendants have
3 informed the United States that they do not oppose the request.

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5 Respectfully submitted,

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7 Assistant Attorney General

8 DAVID L. ANDERSON
9 United States Attorney

10 MICHAEL F. MURRAY
11 Deputy Assistant Attorney General

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15 Dated: June 9, 2020

/s/ Andrew DeLaney
16 ANDREW N. DeLANEY

17 Attorneys for the United States of America
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